



ALAN ELLIS, ESQUIRE
Law Offices of Alan Ellis
495 Miller Avenue, Suite 201
Mill Valley, CA 94941
415-380-2550 Phone
415-380-2555 Fax

Attorney for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

9/5/2008

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK GEMBECK, JR.,
Defendant

) Case No.: CR08-00076-JW
)
) STIPULATION TO WITHDRAW
) STIPULATION/MOTION TO CONTINUE
) STATUS HEARING FROM SEPTEMBER
) 15, 2008 TO SEPTEMBER 22, 2008 AND TO
) RESET TO SEPTEMBER 15, 2008 at 1:30
) PM
)
)

On or about August 26, 2008 Defendant and the government filed a Stipulation requesting a continuance of the status hearing in this case scheduled for September 15, 2008 at 1:30 pm until September 22, 2008 at 1:30 pm due to the unavailability of defense counsel.

This stipulation is still pending.

In the meantime, the United States District Court for the Central District of California before whom defense counsel was previously scheduled for sentencing on September 15 has *sua sponte* rescheduled the sentencing until September 22, 2008. Hence, defense counsel is not unavailable on September 22 and wishes to have the status hearing remain on the previously

Stipulation to Withdraw Stipulation/Motion to Continue Status Hearing from September 15, 2008 to September 22, 2008, and to reset to September 15, 2008

1 scheduled date of September 15, 2008 at 1:30 pm.

2 LAW OFFICES OF ALAN ELLIS

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4 BY: /s/
5 ALAN ELLIS
6 Attorney for Defendant

7 UNITED STATES OF AMERICA

8
9 BY: /s/
10 RICHARD CHENG
11 Attorney for Plaintiff

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Stipulation to Withdraw Stipulation/Motion to Continue Status Hearing from
September 15, 2008 to September 22, 2008, and to reset to September 15, 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

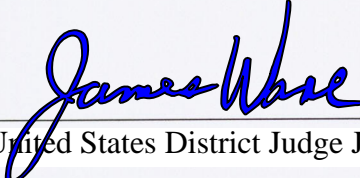
UNITED STATES OF AMERICA,) Case No.: CR08-00076-JW
Plaintiff,)
vs.) ~~XXXXXX~~ ORDER
FRANK GEMBECK, JR.,)
Defendant)

It is hereby ordered that the status conference scheduled for 1:30 pm on September 15 remain on that date at 1:30 pm.

This order also terminates the previous Stipulation to Continue, Docket Item Number 16.

BY THE COURT:

Dated: September 5, 2008


United States District Judge James Ware

Stipulation to Withdraw Stipulation/Motion to Continue Status Hearing from September 15, 2008 to September 22, 2008, and to reset to September 15, 2008